



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Fillmore Field Office

95 East 500 North

Fillmore, UT 84631

<http://www.blm.gov/ut/st/en/fo/fillmore.html>



IN REPLY REFER TO:
3809 (UTW02000)
UTU-70557

February 3, 2015

RECEIVED
FEB 09 2015
DIV. OF OIL, GAS & MINING

CERTIFIED MAIL # 7012 3460 0000 6633 3060
RETURN RECEIPT REQUESTED

Mr. Dexter Anderson
Attorney at Law
730 North 3900 West
Fillmore, Utah 84631

Subject: 43 CFR 3809 – Plan of Operations

The Fillmore Field Office (FFO) of the Bureau of Land Management (BLM) received your letter on December 29, 2014 regarding the requirement for a Plan of Operations (Plan) to mine on public lands. Your letter concerns the regulations and the BLM requirement for the submission of a Plan of Operations for your mining activity.

The existing quarry, the Red Dome mine, is located several miles directly west of Fillmore, in Millard County, Utah. The existing operation is located in Township 21 South, Range 6 West, Salt Lake Meridian (SLM); in aliquot parts of Sections 22, 23, 26, and 27. The BLM case file number for the Red Dome Plan of Operations, established in 1991, is UTU-70057. Please refer to this number in future correspondence. The corresponding Utah Division of Oil, Gas and Mining (UDOGM) case file number is M/027/0032.

The language which you cite in your letter is taken from the Code of Federal Regulations (CFR) in 43 CFR §3802, which governs exploration and mining in relation to the wilderness review program. As stated in 43 CFR §3802.0-1, which establishes the purpose of Subpart 3802, “the purpose of this subpart is to establish procedures to prevent impairment of the suitability of lands under wilderness review for inclusion in the wilderness system and to prevent unnecessary or undue degradation by activities authorized by the U.S. Mining Laws and provide for environmental protection of the public lands and resources.”

There are no Wilderness Study Areas, or designated Wilderness Areas, near the location of the Red Dome quarry. There are also no areas near the Red Dome site that are “under wilderness review.” The provisions of 43 CFR §3802 are therefore not applicable to the Red Dome site.

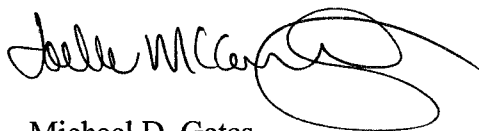
The BLM’s authority to regulate mining activity on public lands is described in 43 CFR 3809.2

subpart (a). As stated the scope of these regulations is applicable to all operations authorized by the mining laws on public lands where the minerals are reserved to the United States. Your operation is located on public lands where the mineral interest is reserved to the United States. These public lands are administered by the BLM FFO. In addition, 43 CFR 3809.3 explains if State laws or regulations conflict with the Surface Management regulations on public lands, the federal regulations prevail. The Red Dome quarry has unquestionably been intermittently mined for decades. A complete plan of operations for Red Dome quarry was first approved by the BLM on May 10, 2004, after several Notices of Noncompliance, appeals, and draft plan modifications. Since the initial plan of operations was approved after January 20, 2001, 43 CFR 3809.401 applies to your mining operation and identifies the required content.

Red Dome quarry is currently operating under the 2004 Plan. In 2009, an amendment was submitted to UDOGM, which was denied based on inadequacies of the 2004 plan (reclamation plan requirement). A revised plan was submitted in 2011. BLM and representatives from Red Dome quarry and UDOGM met on October 10, 2014 to discuss the items needed in order to ensure your mining activity does not cause unnecessary or undue degradation. As discussed in the meeting, an amendment to the plan is required, including a map identifying the disturbed areas and the areas that have been reclaimed. This information is necessary to complete the environmental review under the National Environmental Policy Act. Additionally, this information will be used to calculate the bond amount required for your operation. The current bond held is \$44,000 by the BLM and \$100,000 by the UDOGM. These amounts were calculated in 2004 and 2007, respectively, and have not been augmented to match the increasing costs of reclamation.

The BLM appreciates your involvement in the project and looks forward to working with you. If you have any questions or concerns, please contact Duane Bays, Fillmore Field Office Geologist, at (435) 743-3115 or Joelle McCarthy, Assistant Field Manager, at (435) 743-3122.

Sincerely,



Acting
FOR Michael D. Gates
Field Manager

Enclosures:

43 CFR §3802, Exploration and Mining, Wilderness Review Program
43 CFR §3809, Surface Management

cc:

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Bureau of Land Management
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Salt Lake City, UT 84101-1345

Paul Baker
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